

**REMARKS**

Reconsideration of this application is respectfully requested in light of the foregoing amendments and the following remarks.

Each of claims 1, 112-114, and 136-139 has been amended for reasons unrelated to patentability, including at least one of: to explicitly present one or more elements implicit in the claim as originally written when viewed in light of the specification thereby not narrowing the scope of the claim, to detect infringement more easily, to enlarge the scope of infringement, to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.), to expedite the issuance of a claim of particular current licensing interest, to target the claim to a party currently interested in licensing certain embodiments, to enlarge the royalty base of the claim, to cover a particular product or person in the marketplace, and/or to target the claim to a particular industry.

Descriptive support for the amendments to claims 1, 112-114, and 136-139 can be found in numerous locations in the application, including at least at page 1, line 19 through page 3, line 3; page 17, line 10-12; page 19, lines 8-13; page 25, line 28 through page 28, line 11; page 30, lines 7-32; page 36, lines 15-21; page 39, lines 9-16; page 41, lines 3-8; and Figures 2 and 3.

Claims 1-139 are now pending in this application. Claims 1, 112-114, and 136-139 are the independent claims.

**I. The Statutory Subject Matter Rejection**

Claims 1-139 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

Claims 1 and 113 recite “communicating with the client through a network”; claims 112 and 136 recite “computer-readable medium”; and claims 1, 113, 114, and 137-139 recite “computer-assisted” and “receiving financial information at a computer of the agent”.

Thus, reconsideration and withdrawal of this rejection is respectfully requested. If the rejection is maintained, Applicant respectfully requests citation of **binding** legal authority for the proposition that “the claim must recite technology”, a legally-supported definition of “technology”, and a detailed explanation of how any cited legal standard is not met. See MPEP 2106 (II)(A).

## II. The Obviousness Rejection

Claims 1-139 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Atkins (U.S. Patent No. 5,644,727) in view of Jones (U.S. Patent No. 6,021,397). These rejections are respectfully traversed.

None of the cited references, either alone or in any combination, establish a *prima facie* case of obviousness. “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure.” See MPEP § 2143.

To the extent that official notice is taken to support the rejection, Applicants respectfully traverse and request citation and provision of a reference that supports the rejection. See MPEP & 2144.03.

Claims 1, 112-114, and 136-139 recite “a plurality of **institutional or corporate clients**”. Claims 1, 113, 114, and 137-139 recite “receiving financial information at a **computer of the agent**”. Claims 1, 112, and 113 recite “demonstrating that more than one activity of the **agent** is

**transparent to the client".** Claim 138 recites "demonstrating to the client the potential transparency of activities of the **agent**". Claims 114, 136, and 137 recite "enabling the **agent** to determine an action based on an analysis of risk management information created from the financial information." Claim 139 recites "enabling the client to **monitor through a network** activities of the **agent**".

As defined on page 8 of the application, an "agent" is a "**financial risk manager**".

Atkins does not expressly or inherently teach or suggest "a plurality of **institutional or corporate** clients". Instead, Atkins allegedly discloses a "a method and apparatus for effecting an improved **personal** financial analysis, planning and management system...". See "Summary of the Invention" at col. 7, lines 19-21.

As recognized in the Office Action, Atkins does not expressly or inherently teach or suggest "an agent" or "transparency" of "activities" "of the agent". Further, Atkins does not expressly or inherently teach or suggest "receiving financial information at a computer of the agent". Moreover, Atkins does not expressly or inherently teach or suggest "enabling the client to monitor through a network activities of the agent".

Jones allegedly discloses a "financial advisory system" via which "return scenarios for optimized portfolio allocations are simulated interactively to facilitate financial product selection." See Abstract. In his description of the "Background of the Invention", Jones argues that "[i]n view of the foregoing, what is needed is a financial advisory system that employs advanced financial techniques to provide financial advice to **individuals** on how to reach specific financial goals." See col. 2, lines 13-17. The "specific advice" provided to the user of Jones regards "steps they can take to improve their chances of meeting their financial goals while taking into consideration the user's personal tradeoffs among risk, savings, and retirement age." See col. 2, lines 40-45.

Thus, like Atkins, Jones does not expressly or inherently teach or suggest “a plurality of **institutional or corporate clients**”. Also, Jones does not expressly or inherently teach or suggest “an agent” or “transparency” of “activities” “of the agent”. Further, Jones does not expressly or inherently teach or suggest “receiving financial information at a computer of the agent”. Moreover, Jones does not expressly or inherently teach or suggest “enabling the client to monitor through a network activities of the agent”.

Moreover, no legally proper suggestion or motivation has been presented for combining Atkins and Jones. Specifically, the recitation of “common sense” is insufficient to establish a proper suggestion or motivation to combine the references.

Thus:

- There is no motivation or suggestion to combine the cited references; and
- Even if combinable or modifiable, the cited references do not expressly or inherently teach or suggest **every limitation** of the claims.

Because no *prima facie* rejection of any independent claim has been presented, no *prima facie* rejection of any dependent claim can be properly asserted.

Consequently, reconsideration and withdrawal of these rejections is respectfully requested. To the extent that the rejection is maintained or any new reference-based rejection is advanced, recitation of specific passages in each reference by column and line number, as opposed to citing to the entire textual portion of each reference, is respectfully requested. See MPEP 706.02(j).

PATENT

Serial No. 09/650,733

Attorney Docket No. 1011-002

### CONCLUSION

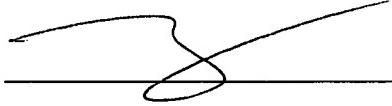
It is respectfully submitted that, in view of the foregoing amendments and remarks, the application as amended is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

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